

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

Document # 7

ALLEN

USCA NO. _____

-v-

SDNY NO. 07cv11525

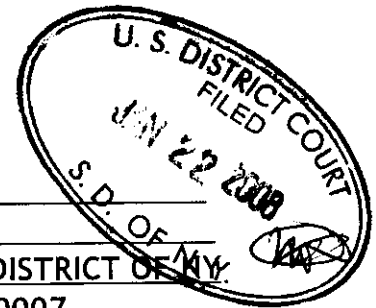
JUDGE: KMW

DATE: 1/22/2008

LaCLAIR

INDEX TO THE RECORD ON APPEAL

PREPARED BY (NAME) Nezam D.
FIRM APPEALS SECTION
ADDRESS UNITED STATES DISTRICT COURT, SOUTHERN DISTRICT OF NY.
500 PEARL STREET, NEW YORK, NEW YORK 10007
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DISTRICT COURT DOCKET ENTRIES -----

DOCUMENTS

DOC#

Clerk's Certificate

See Attached List of Numbered Documents

Only Circled Documents Included

(☒) Original Record

(☐) Supplemental Record

The record in the above entitled case was indexed to the U.S.C.A.
for the Second Circuit on the 22nd Day of January, 2008.

**United States District Court for
the Southern District of New York**

ALLEN

-V-

LaCLAIR

Date: 1/22/2008

U.S.C.A. # _____

U.S.D.C. # 07cv11525

D.C. JUDGE KMW

Clerk's Certificate

I, J. Michael McMahon, Clerk of the Court of the United States District Court for the Southern District of New York, do hereby certify that the certified copy of the docket entries and the original filed papers numbered 1 Through 5, inclusive, constitutes the Original record on appeal in the above entitled proceedings except for the following missing documents:

<u>Date Filed</u>	<u>Document Description</u>
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_____	_____
_____	_____
_____	_____
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In Testimony Whereof, I have caused the seal of said Court to be hereunto affixed, at the City of New York, this 22nd Day of January In this year of our Lord, Two Thousand and Eight, and the Independence of the United States this 232nd year.

J. Michael McMahon, Clerk

By _____
Deputy Clerk

APPEAL, HABEAS, PRO-SE

U.S. District Court
United States District Court for the Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:07-cv-11525-KMW
Internal Use Only

Allen v. LaClair
Assigned to: Judge Kimba M. Wood
Cause: 28:2254 Petition for Writ of Habeas Corpus (State)

Date Filed: 12/26/2007
Jury Demand: None
Nature of Suit: 530 Habeas Corpus (General)
Jurisdiction: Federal Question

Date Filed	#	Docket Text
12/26/2007	<u>1</u>	DECLARATION IN SUPPORT OF REQUEST TO PROCEED IN FORMA PAUPERIS. Document filed by Jimmie Lee Allen.(jeh) (Entered: 01/08/2008)
12/26/2007	<u>2</u>	PETITION FOR WRIT OF HABEAS CORPUS pursuant to 28 U.S.C. 2241. Document filed by Jimmie Lee Allen.(jeh) (Entered: 01/08/2008)
12/26/2007		Magistrate Judge James C. Francis is so designated. (jeh) (Entered: 01/08/2008)
12/26/2007	<u>3</u>	60 DAYS ORDER; I grant petitioner's direct petitioner to submit an affirmation within sixty (60) days from the date of this order. To reiterate, petitioner is hereby notified that the Court finds that the instant petition, notwithstanding its designation, should be construed as an application under 28 U.S.C. 2254. Petitioner may notify the court in writing within 60 days if he intends to withdraw the petition. If petitioner chooses not to withdraw his petition, he is hereby directed to file an affirmation as specified above. Should petitioner decide to file an affirmation, it must be submitted to this Court Pro Se's Office within sixty days of the date of this order, be captioned as an Affirmation, and bear the same docket number as this order. No answer shall be required at this time and all further proceedings in this action shall be stayed for sixty days or until petitioner has complied with this order. If petitioner fails to comply with this order within the time allowed, the petition will be dismissed. Once submitted, the affirmation shall be reviewed for compliance with this order and substantive sufficiency and then, if proper, the case shall be reassigned to a district judge in accordance with the procedures of the Clerk's office. I certify pursuant to 28 U.S.C. 19 (a) (3) that any appeal from this order would not be taken in good faith. (Signed by Judge Kimba M. Wood on 12/26/2007) (jeh) (Entered: 01/08/2008)
01/15/2008	<u>5</u>	NOTICE OF INTERLOCUTORY APPEAL from 3 Order 60 Days Other (case opening). Document filed by Jimmie Lee Allen. Copies mailed to attorney(s) of record: Attorney General, NYS. (tp) (Entered: 01/22/2008)
01/15/2008		Appeal Remark as to 5 Notice of Interlocutory Appeal filed by Jimmie Lee Allen. \$455.00 APPEAL FEE DUE. IFP REVOKED 1/16/08. COA DENIED 1/16/08. (tp) (Entered: 01/22/2008)
01/16/2008	<u>4</u>	ORDER that petitioner's application for an interlocutory appeal is denied. Furthermore, petitioner is directed to file an affirmation showing cause why the petition should not be time barred as specified in the 12/26/07 order within 60 days of the date of this order. If petitioner fails to file an affirmation as specified by this and the prior order, the petition will be dismissed. (Signed by Judge Kimba M. Wood on 1/16/08) (cd) (Entered: 01/17/2008)
01/22/2008		Transmission of Notice of Appeal and Certified Copy of Docket Sheet to US Court of Appeals re: 5 Notice of Interlocutory Appeal. (tp) (Entered: 01/22/2008)
01/22/2008		Transmission of Notice of Appeal to the District Judge re: 5 Notice of Interlocutory Appeal. (tp) (Entered: 01/22/2008)